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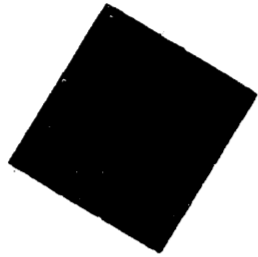
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**EASTERN**

**F.O.  
371**

1947



PALESTINE

File No. 6551

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6551

PALESTINE

Registry Number *F6551/6551/31.*  
 FROM *M. Higham*  
 No. *Admiralty*  
 Dated *10th Beeley*  
 Received in Registry *13 July*  
*22 July*

Dead Sea Salts Concession.  
 Enclosed note on the Dead Sea Salts Concession, giving information with which to dissuade Foreign Minister from raising question.

Last Paper.

(Minutes.)

References.

According to Dr. Jemali, the Arab States are taking an interest in this question. It appears that they are contemplating the acquisition of the Turkish concession from its present claimants, and the submission of the question to the International Court.

(Print.)

(How disposed of.)

61943

I informed the C.O. of this, and subsequently passed on to Dr. Jemali some of the information in the enclosed memorandum.

*H. Beeley 22/7*

(Action completed.)

(Index.)

*[Handwritten initials]*

*[Handwritten initials]*  
*14/7/48*

Next Paper.

7570

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75117

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Colonial Office,  
Downing Street,  
S. W. 1.

3rd July, 1947.

6554

27 JUL 1947

Dear Beeley,

I enclose herewith a note on the Dead Sea Salts Concession about which you asked Martin the other day, I hope it will give you all the information you require to dissuade the Iraq Foreign Minister from raising this question.

Yours sincerely,

(J. D. HIGHAM)

H. BEELEY, ESQ.

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Entas 4

"DEAD SEA MINERAL CONCESSION"

A concession to extract mineral salts from the Dead Sea was granted by the Ottoman Government to certain Turkish subjects in 1912. In 1923 certain British subjects stated that they had acquired the concession and asked H.M.G. to recognise it.

After very careful consideration and after taking the advice of the Law Officers, H.M.G. decided not to recognise the validity of the concession. Quite apart from the fact that the concessionaires did not appear to have carried out certain of the terms of the original concession H.M.G. based their attitude on the following Legal position:

- (a) Where territory is detached by conquest, the conquering power, unless it voluntarily binds itself by treaty to take action of a specified kind, is completely at liberty to recognise or to refuse to recognise any concessions granted by the conquered power in respect of the detached territory.
- (b) Where the treaty of peace contains provisions in respect of concessions, those provisions are exclusive, and holders of concessions which are not maintained by the terms of the treaty cannot claim nevertheless that they are maintained by the general principle of International Law
- (c) The concession in question does not fall within the class of concessions maintained by the Concessions Protocol, since although it was granted before the 29th October, 1914, it was granted to Turkish and not Allied nationals.
- (d) The transfer of the rights of the concession from Turkish to British nationals without the consent of H.M.G., and at a time when the two countries were technically at war, cannot give it a validity which it would not otherwise possess.
- (e) And for the reasons stated in (c) the concession is not maintained by the Concession Protocol and therefore cannot be regarded as an existing property or interest the return

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of which to its original owners could be claimed under Article 65 of the Treaty of Lausanne.

The matter was pressed by various British interests claiming to be involved until 1928 when, in association with certain French subjects, they succeeded in persuading the French Government to approach H.M.G. with a view to arbitration or a reference to the Hague. After lengthy correspondence H.M.G. agreed to submit the matter to the Hague Tribunal of Arbitration on certain conditions which the French Government were unable to accept, and the proposal lapsed.

In 1930 the concession for the extraction of salts from the Dead Sea was granted, after public tenders had been invited and applications (including one from the claimants) submitted, to the Palestine Potash Limited, the present owners.

In 1934 a French syndicate brought an action in this country against Palestine Potash, claiming that the latter were not entitled to extract salts from the waters of the Dead Sea and demanding an injunction to restrain the defendants from so doing, with damages. The plaintives based their case on the Turkish "concession" which they claimed to have purchased. The action was dismissed with costs on the grounds that the Court had no jurisdiction.

An Ordinance was passed in Palestine shortly before the war validating the concession granted to Palestine Potash. It is therefore impossible for the claimants to take any further legal proceedings in Palestine.

Article 10 of the Treaty of Alliance with Trans Jordan provides that commercial concessions granted in respect of Trans Jordan territory prior to the signature of the Treaty shall ~~be~~ continue to be valid for the period specified in their texts.

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